



Bridging the Gap Across Disciplines

Ethical Considerations, Opportunities, and Challenges of a Person-Centered Approach

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Agenda

1. Introduction
2. What is a person-centered perspective?
3. Why is this important?
 - Ethics beyond the rules of professional conduct
4. Alignment with the Rules of Professional Conduct
5. Discussion

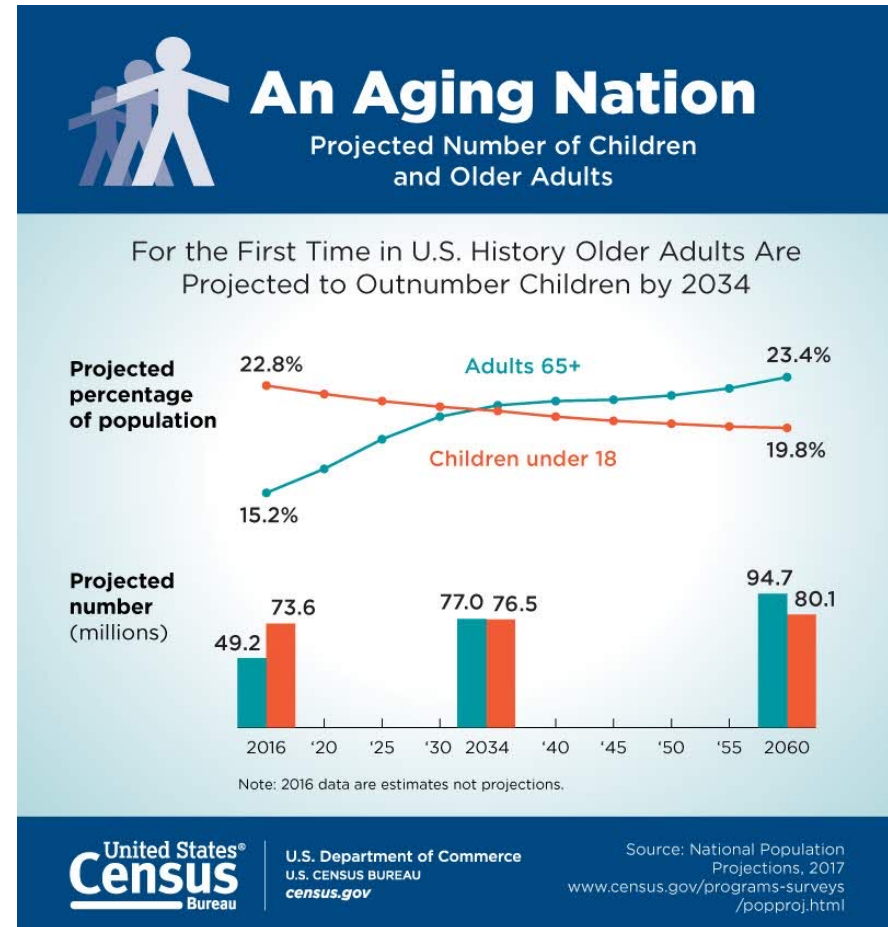
Hello!
I'm Lynn.





A Person-Centered Approach

Why is this more important now than ever before?



For Estate Planning Professionals

- Collaborative Estate Planning
 - You're likely familiar with this already
- HHEPC embraces this perspective in its stated purposes:
 - An “interdisciplinary organization for professionals involved in estate planning”
 - Purposes include
 - *“to promote cooperative efforts among all professionals in the field of estate planning...always keeping in mind the best interests of their clients”...*
- To what extent do you incorporate a person-centered approach?



See: [Your Guide to Collaborative Estate Planning, NAEPC](#)

Working with Clients

What drives them to reach out to you?

- New diagnosis or declining health
- Change in family – birth, death, marriage, divorce
- Desire to provide for loved ones
- It's generally something important, and it frequently impacts many areas of their life!

What does your initial contact look like?

- Do you instruct them to fill out a straight-forward packet?
- How much time do you give to establish trust and rapport?
- How much do you ask about the bigger picture?
- How frequently do you offer to work within a multidisciplinary (or interdisciplinary) team?

What about you?

- A quest to live a life of moral character:

“These virtues are formed in man by his doing the actions...The good of man is a working of the soul in the way of excellence in a complete life.” –

Aristotle

- What aspects of your work life fulfill you?
- What aspects of your work life drain you?
- The perspective you carry matters.



Alua Arthur:
*Why Thinking
About Death
Helps You Live
a Better Life*



What impact do you
want to have on your
clients?

Identifying client needs beyond your discipline

- What is your duty to your clients?
- Does it stop with the direct services that you offer?
- How many of you assess clients' needs beyond the services that you offer?



Borrowing from Systems Theory

“Systems theory...operates in such a way as to capture the person within the context of their environment.” (1)

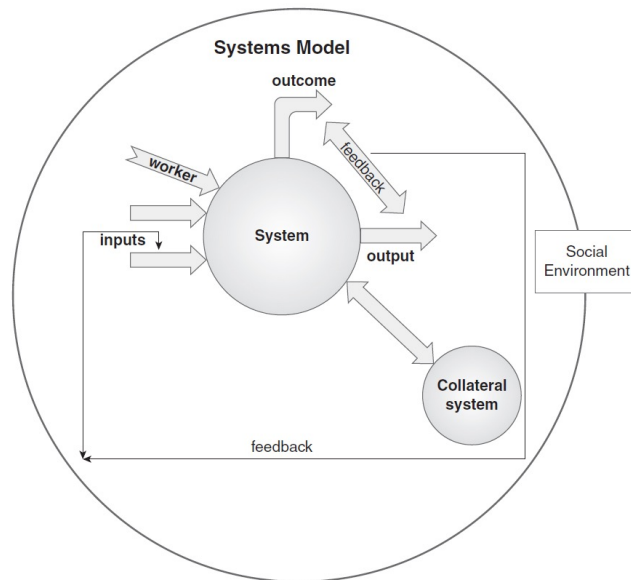


FIGURE 1.1 Systems Model

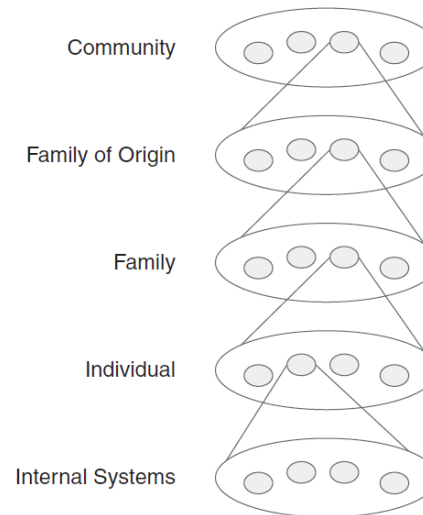


FIGURE 1.2 Ecological Systems Model

1. Bruce Friedman & Karen Neuman Allen, Systems Theory, Theory & Practice in Clinical Social Work (3rd ed., 2021)

Example: Financial Therapy

What do you do when a client's behavior is not consistent with their stated goals?

- Financial behavior is impacted by many factors:
 - Personal and family history
 - Feelings about money
 - Beliefs about money
 - Interpersonal dynamics within their family or larger systems
 - Expectations or desires about the future
- Understanding these factors will better position you to support your clients in achieving your goals. (1)

“Systems theory and relational perspectives can provide important ideas and practices to financial counselors and advisors as well as the field of financial therapy...The systems perspective attends to the broader social ecology of clients, ***which often includes working with other disciplines, professions, and institutions.***” *Emphasis added.* (2)

(1) Kristy L. Archuleta & Sonya Lutter, Utilizing family systems theory in financial therapy, *Financial Planning Review* (2020; 3e1073)

(2) Jerry Gale et al., Considerations, Benefits and Cautions Integrating Systems Theory with Financial Therapy, *Contemporary Family Therapy* (2020 42:84–94)



Practice: Identifying Systems



Robin and Wren Starling, a married couple, come to you for estate planning as they near retirement. They co-own and operate Nest, a property management company, which had been hit hard by the pandemic. The Starlings had to dip into their savings to keep Nest afloat, although Nest is now (finally) operating at a profit again. They live in a very nice inherited mid-size home that had been Robin's childhood home. Robin and Wren have two adult children, a son and a daughter. The daughter lives out of state and is very successful as an architect. The son lives here in town and transitions between jobs frequently. At times, Robin and Wren have helped their son by having him "work" at Nest and then paying him a generous hourly wage.

Robin and Wren state that **their goals are to:**

1. Retire in five years feeling financially secure;
2. Identify and execute a solid succession plan for Nest; and
3. Generally arrange their affairs so as to reduce the burden on their children when they die.

During your initial meeting, you notice that Robin and Wren are **tense when the son is brought up**. You sense that they disagree on the extent to which they should be helping their son now and whether the son could eventually take over Nest. (1)

(1) This hypothetical is adapted from a vignette in: Jerry Gale & Joseph Goetz, Ethical Issues and Decision Making in Collaborative Financial Therapy, *Journal of Financial Therapy*, (7(1)3, 2016).

Practice: Systems Theory

“Systems theory...operates in such a way as to capture the person within the context of their environment.” (1)

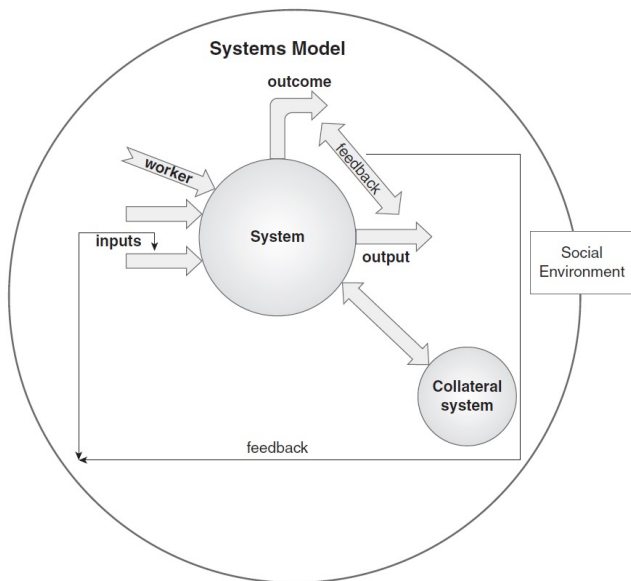


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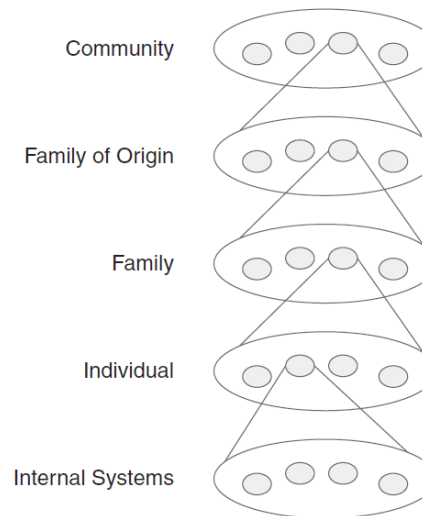


FIGURE 1.2 Ecological Systems Model



1. Bruce Friedman & Karen Neuman Allen, Systems Theory, Theory & Practice in Clinical Social Work (3rd ed., 2021)



Systems Theory for a Person-Centered Approach

“The systems perspective attends to the broader social ecology of clients, *which often includes working with other disciplines, professions, and institutions.*” *Emphasis added.* (1)

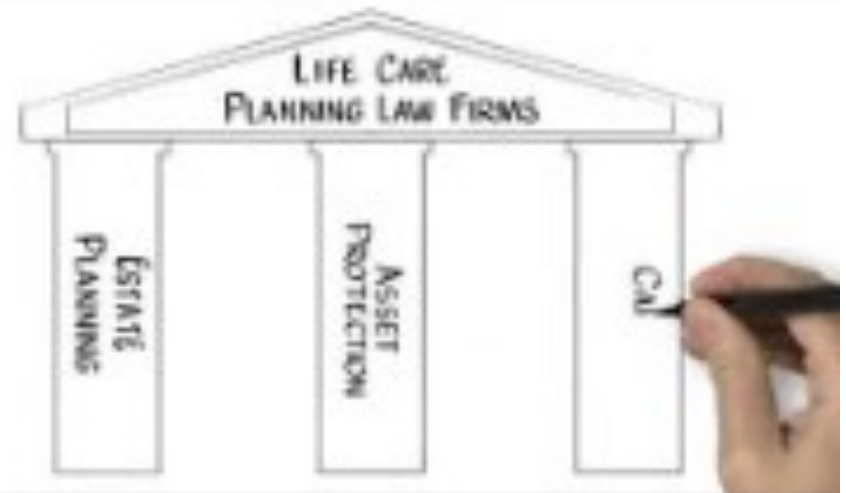
Configurations

1. Referral: Refer client out for services from other professionals.
2. Parallel services: You actively work with clients in your discipline while clients are also actively working with an outside professional on other issues. You are aware of these “parallel services” and communicate at certain intervals.
3. Consultation services: You invite an outside professional to join in on your meetings with the client, so that you both can work with the clients simultaneously.
4. Integrative collaboration: Fully immersive collaboration where you work as a cohesive team with the other professional(s), which often includes professionals from multiple disciplines operating out of the same practice.

Examples: Life Care Planning Firms

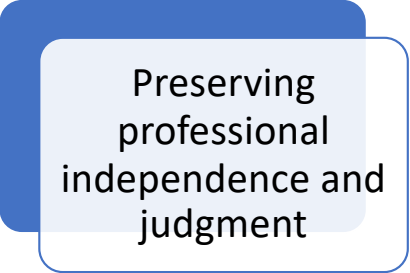
- [The Law Practice of Dennison Keller, LLC](#)
- [Applegate & Dillman Elder Law](#)
- [Bratton Estate & Elder Care Attorneys](#)
- [Elder Life Care Planning LLC](#)
- [Lifescape Law & Development](#)

Also consider: [Yardley Wealth Management LLC](#) & [Yardley Estate Planning LLC](#) (two firms, same owner, next door to each other)

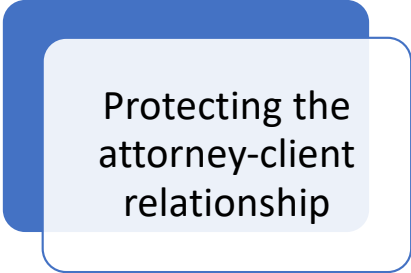





The Rules of Professional Conduct




Preserving
professional
independence and
judgment



Protecting the
attorney-client
relationship



Law-related
services



Non-lawyer
assistants

Preserving Professional Independence & Judgment

Rule 5.4(b): Bans partnerships with non-lawyers

- Nonlawyers could not have ownership stake in the firm. Rather, they would solely be employees of the firm (see 5.4(a)(3)).

Rule 5.4(d): The non-lawyer cannot have the right to “direct or control the professional judgment of a lawyer”

- So, non-legal professionals **can** be employed by a law firm.
 - They would be considered nonlawyer assistants for the purposes of the RPC.

Law-related services

- **Rule 5.7:** Responsibilities regarding law-related services
 - The firm would be liable for all services provided by its professionals – whether it be legal services or not.
 - It's important that clients understand what is and is not a “legal service” to protect the lawyer from being personally responsible for violations of the RPC.
 - Interestingly, the notes to Rule 5.7 list out many law-related services that may be in the best interests of clients, including:
 - Financial planning, accounting, real estate counseling, social work, psychological counseling, etc.

Non-lawyer assistants

- **Rule 5.3:** Responsibilities regarding nonlawyer assistants
 - A lawyer would need to supervise any non-legal professionals.
 - Lawyers can be held responsible for behavior of the non-legal professional that violates the RPC.
- **Use of Non-Lawyer Assistants:**
Guideline 9
 - These guidelines would apply to all non-legal professionals who is ***employed, retained or associated*** with a practicing lawyer.
 - The non-legal professional could not:
 - Establish the attorney-client relationship
 - Set the fees to be charged for services
 - Provide legal opinions to a client
 - Clients would need to understand who is and who is not a lawyer!

Protecting the attorney-client relationship

- Per **Rule 5.3 & 5.7:**
 - You **can share client information** with nonlawyers employed* by the firm, **so long as** they abide by the RPC themselves, including:
 - Rule 1.6 (confidentiality)
 - Rule 1.7 & 1.8 (conflicts of interest)
 - Rule 1.9 (duties to former clients)

*The rule actually says “employed or retained by or associated with a lawyer”...

Non-Legal Professions

Would ethics rules for other professionals prohibit this?

- **social workers:**

- There is a different ethical standard for mandated reporting and a more lenient standard for disclosures than for attorneys.
- Any employed social workers would have to agree to operate under the more restrictive RPC instead.

What about for:

- **financial planners**

- CFP Board Standard of Conduct 13: *Duties When Recommending, Engaging, and Working With Additional Persons*

- **accountants**

- **others?**

Discussion

Thank you!

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